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*Counsel for Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANSISCO**

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

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## This Document Relates to:

*Jessi Watt v. Uber Technologies, Inc., et al;*  
3:25-cv-04704-CRB

*C.M. v. Uber Technologies, Inc., et al; 3:24-cv-05182-CRB*

Case No.: 3:23-md-03084-CRB

Hon. Charles R. Breyer

**PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS  
CASES FOR FAILURE TO COMPLY  
WITH PTO 10**

Date: February 13, 2026

Time: 10:00 a.m.

Courtroom: 6 – 17<sup>th</sup> Floor

## 1. INTRODUCTION

On December 19, 2025, Defendants filed a Motion to Dismiss the claims of the above-captioned Plaintiffs on the grounds that Plaintiffs have failed to comply with Pretrial Order (“PTO”) No. 10. See *Docket No. 4737*. PTO 10 establishes procedures and deadlines related

to the production of Plaintiff Fact Sheets. *See Docket No. 348.*

## II. ARGUMENT

A. Plaintiff Watt has a Motion to Withdraw pending and dismissal would be premature.

Due to Plaintiff Watt's unresponsiveness and inability to meet her discovery obligations, Counsel for Plaintiff sent Defendants notice of our intent to withdraw from representation on December 3, 2025. Decl. ¶ 8. Counsel filed a Motion to Withdraw on December 5, 2025, which remains pending before the Court. Decl. ¶ 9. See *Docket No. 4573*. Dismissal of Plaintiff's case would be premature and unduly prejudicial because of the pending Motion to Withdraw. Therefore, Defendants' Motion to Dismiss Plaintiff Watt's case should be denied.

**B. Plaintiff C.M. is in full compliance with PTO 10 and Defendants' Inclusion of this Plaintiff on their Motion is Improper.**

Plaintiff C.M. has diligently produced all of the required discovery documents and met her discovery obligations under PTO 10. However, Defendants' claim that Plaintiff's Fact Sheet ("PFS") is deficient because Plaintiff has failed to produce text messages referenced in response to Question 15 of her PFS. This alleged deficiency is immaterial as Plaintiff states in her response to Question 20 that she changed her phone number shortly after the incident. This is a clear and sufficient response explaining why these text messages no longer exist. Defendants have no basis to raise this alleged deficiency, and it is simply harassing.

Plaintiff’s Counsel met and conferred with Defendants on this issue on December 5, 2025. Decl. ¶ 13. During this meeting, Counsel reiterated that C.M. no longer possess the text messages. Decl. ¶ 13. As Plaintiff has completely and adequately responded to all questions in her PFS, a further PFS amendment is not warranted. On December 19, 2025, Defendants sent a communication memorializing the December 5<sup>th</sup> meet and confer, in which they state that they would consider this deficiency cured if Plaintiff could either produce the text messages, which they already know is not possible, or if Plaintiff explained why they were unavailable.

1 in response to Question 20 of a Verified Amended PFS. Decl. ¶ 14. That very same day,  
2 Defendants filed this Motion to Dismiss. Decl. ¶ 14.

3 Defendants are abusing the discovery process and wasting the Court's time and resources  
4 by filing these motions without any actual material PFS deficiencies. Dismissal of the claim  
5 is a harsh remedy for a Plaintiff who has fully complied with her obligations under PTO 10.  
6

### 7 III. CONCLUSION

8 For the foregoing reasons, Plaintiffs respectfully request that the Court deny Defendants'  
9 Motion to Dismiss.

10  
11 Dated: December 31, 2025

Respectfully Submitted by:

12  
13 */s/ Rachel Abrams*  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on December 31, 2025, I electronically filed the following with the Clerk of the Court using the CM/ECF System, which will send notification of such filing via electronic mail to all counsel of record as maintained in the CM/ECF electronic system.

Dated: December 31, 2025

Respectfully Submitted by:

/s/ *Rachel Abrams*

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